

TRAINING MANUAL ON RIGHTS OF PERSONS WITH DISABILITY

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RWANDA



United Nations
Human Rights
OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS



Schweizerische Eidgenossenschaft
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ABOUT THE MANUAL

The manual seeks to achieve the following objectives:

- ✓ Increase trainees in-depth understanding of the principles and characteristics of human rights as well as limitations;
- ✓ Increase the trainees 'knowledge on key rights applicable to them,
- ✓ Inform trainees about existing mechanisms for claiming their rights when they are violated.

In general terms, the Manual proposes a participatory methodology in the forms of brainstorming and case studies to be discussed in groups to ensure there is a fruitful interaction between the user of this manual (the trainer) and the participants (trainees).

This manual consists of several components which are designed to ease Facilitators /Trainers in preparing learning activities.

Preparation is crucial in determining the success of the training process. Therefore, facilitators must have full understanding of the objectives of each session, the means of delivery, the tools and materials needed in carrying out the learning activity, the reading materials needed to help manage the discussion, and the key messages that need to be emphasized in each session.

Instructions to the user of this Manual

The Trainer shall first ask the participants to define human rights and ask them to define discrimination.



The trainer could ask the participants to discuss on characteristics of human rights (*Universal, inherent, interdependent, indivisible and interrelated*) and give examples.

After writing down the characteristics provided by the participants, the trainer would compare them with the below bullet point notes.



The trainer will ask the participants to describe how the general population describe or view disability. He/She will write down the key message on the flipchart/blackboard and then participants will compare them with the presentation.

Suggested presentation time: 60 minutes.

Expected Learning Outcome: It is expected that the end of this presentation should know the rights of persons with disability and be able to claim them.

Suggested reading Materials: The Constitution of Rwanda, The Law on the Rights of Persons with Disability and the Convention on the Rights of Persons with Disabilities, The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa[1].

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol), the National Policy of Persons with Disability and other relevant human rights documents.

The Protocol on the Rights of Persons with Disability in Africa has not come into force as currently it has been ratified by 10 out of the required 15 African States. It will become operational or effective once 15 African States have ratified it. Rwanda is among the African States which have ratified the Protocol.

Suggested Methodology: Presentation in a bullet point format and Brainstorming.

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HUMAN RIGHTS OVERVIEW

1.1 Definition of Human Rights

- 👉 There is no single Convention or Treaty which defines human rights but human rights focus on human being dignity.

1.2. Key Principles of Human Rights

- There are three fundamental principles of human rights namely:
 - ✓ freedom from discrimination,
 - ✓ equality before the law,
 - ✓ equal protection of the law.
- The **principle of equality** does not require everyone to be treated the same, but simply that people in the same position from a moral point of view should be treated the same.
- The **Right to equal protection**: the right of all persons to have the same access to the law and courts, and to be treated equally by the law and courts, both in procedures and in the substance of the law.
- Discrimination: **any distinction, exclusion, restriction or preference** which is based on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and which has the **purpose or effect of nullifying or impairing** the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms.

1.3. Characteristics of Human Rights

Universal: Human Rights apply to **ALL HUMAN BEINGS** irrespective of their culture, religion, gender /sex, etc.

Inherent: rights do not have to be given, bought, earned or inherited by people. The rights are inherent because a person is born with them

Inalienable: rights cannot be taken away or you cannot give your rights to someone else.

Indivisible: Rights are not in a hierarchical manner. That means, there should be no classification as to which rights are important than others, or must come first before other rights.

Interrelated: The violation of a given right can compromise the enjoyment of another right.

Example: the violation of the right to health is likely to jeopardize the enjoyment of the right to life.

1.4.Limitation and Restrictions of Human Rights

- ✓ The enjoyment of human rights is not absolute. In general, the Law restricts the enjoyment of some rights to protect the rights of other persons (privacy and honor), public order, and security.
- ✓ The enjoyment of human rights is not absolute. In general a state /Government can decide to suspend the enjoyment of certain rights in a state of emergency that would threaten the survival of the country. Examples: Freedom of movement can be restricted in times of emergency by imposing a curfew; the right to education can be restricted in times of emergency when the State declares that all schools shall be closed. Many countries across the Globe closed schools during the outbreak of Covid-19. I, the Law restricts the enjoyment of some rights to protect the rights of other persons (privacy and honor), public order, and security.

RIGHTS OF PERSONS WITH DISABILITY

2. RIGHTS OF PERSONS WITH DISABILITY

- The way the society or community and more importantly the States perceive persons with disability influences a lot on the approach they take when dealing with disability.
- There is no internationally accepted definition of the term disability but it can be understood as a social relationship between the characteristics of people and the extent to which society can take them into account.
- Disability depends on environmental, social and individual factors
- There are various approaches to disability namely the charity model, medical model, social model and human rights model.
- The charity model of disability sees a person with a disability as an individual who deserves empathy or help from other capable persons because they do not have any disability.
- The medical model of disability approach sees disability as a disease which needs treatment
- The social model of disability approach sees disability as a consequence of a society's mistreatment towards an individual
- The human rights model of disability approach sees a person with disability as a right holder who needs a conducive environment free of discrimination to thrive






2.2. Legal protection of persons with disability

- ➡ The Constitution of Rwanda prohibits discrimination based on disability – mental or physical.
- ➡ There is a specific law on the rights of persons with disability in Rwanda.
- ➡ There is an international convention that protects the rights of persons with disability
- ➡ Neither International & regional conventions nor national laws give more rights to persons with disability compared to other persons.
- ➡ Prohibition of discrimination cannot alone enable persons with disability to fully exercise their rights but it must be done in conjunction with the removal of barriers which prevent them from enjoying their rights. (reasonable accommodation).

2.3. Key Human Rights

The following list is not exhaustive:

- 👍 **Right to life:** The life of a person with a disability, like any other person, cannot be taken away arbitrarily.
- 👍 **Right to physical and mental integrity:** A person with a disability, like any other person, must not be assaulted physically or verbally.
- 👍 **Right to non-discrimination:** discrimination occurs when a person is treated unfavourably compared to others because of his or her disability status.
- 👍 **Right to liberty and security:** A person with disability like any other person must not be arrested or detained without any legal reason. In case, it happens he or she has the right to be informed about the reason for the arrest or detention.
- 👍 **Right to freedom of expression and opinion:** A person with a disability, like any other person, must be allowed to hold opinions without interference to seek and receive information and impart information of all kinds through any media regardless of frontiers.
- 👍 **Right to a fair trial:** A person with disability like any other person, must be presumed innocent until proven guilty by the court, must be given a legal counsel or lawyer to represent him or her, must be tried in a reasonable time and defend his or her case.

-  **Right to equal protection of the Law:** the laws have to be applied the same way to all individuals when it comes to protection.
-  **Right to a peaceful assembly:** a person with a disability, like any other person, has the right to hold or attend a meeting with other persons.
-  **The right to freedom of association** can be understood as the right of individuals, including those with a disability, to interact and organize among themselves, collectively express, promote, pursue and defend common interests.
-  **Freedom of movement** is the right of everyone including persons with disability to move freely within a country for those who are lawfully within the country including the right to choose his or her place of residency, the right to leave any country and the right to enter a country of which you are a citizen.
-  **Right to health:** access for any person including persons with disability to health care, services and goods. The right to health must not be understood as the right to be healthy.
-  **Right to work** includes the right of everyone including persons with disability to the opportunity to gain her or his living by work which she or he freely chooses or accepts.



Right to education means the right of an individual including a person with a disability to acquire knowledge and skills which contribute to his or her personal development, self-reliance and employability and enhance the productivity of his or her family and community.









Right to an adequate standard of living – A person with disability like any other person has the right to food and safe drinking water, shelter and clothing.

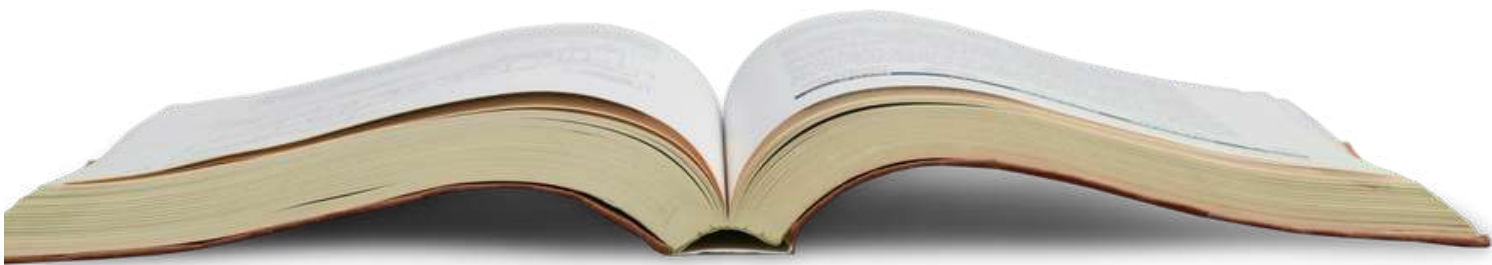
2.4. PROTECTION MECHANISMS

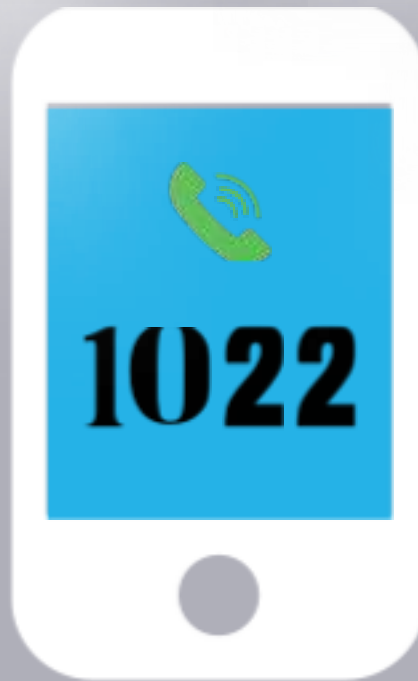
- ✓ A person with a disability, like any other person, can report a complaint before the National Commission for Human Rights if he or she feels that his or her rights or the rights of his or her peers have been violated.
- ✓ Like other members of the society, national citizens and foreigners living in Rwanda, any person with a disability can use the courts if he or she believes that his/her rights have not been respected by other individuals or institutions.
- ✓ A person with disability, like any other Rwandan national citizen and foreigner living in Rwanda, can report cases of injustice to the Office of the Ombudsman if they believe that they have been victims of injustice
- ✓ A Person with disability like any other Rwandan national citizen can also report cases of injustice to the Parliament if they believe that they have been victims of injustice.
- ✓ Persons with a disability who want to report human rights violation(s) to international and regional human rights protection mechanisms can seek advice from non-governmental organisations working on human rights issues.



BIBLIOGRAPHY

-  The Constitution of Rwanda
-  The UN Convention on the Rights of Persons with Disabilities
-  The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa.
-  The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa
-  The Law N°01/2007 of 20/01/2007 relates to the protection of disabled persons in general on the Rights of Persons with Disability.
-  The National Policy of Persons with Disability





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